

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
KRAIG J. WALKER**

APPELLANT,

RESPONDENT.

DOCKET NUMBER WD77869

DATE: May 5, 2015

Appeal From:

Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:

Division Three: Mark D. Pfeiffer, Presiding Judge, Gary D. Witt, Judge and Anthony Rex Gabbert, Judge

Attorneys:

Andrew C. Hooper, Jefferson City, MO, for appellant.

William P. Nacy and Curtis G. Hanrahan, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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STATE OF MISSOURI,

APPELLANT,

v.

KRAIG J. WALKER,

RESPONDENT.

No. WD77869

Cole County

Before Division Three: Mark D. Pfeiffer, Presiding Judge, Gary D. Witt, Judge and Anthony Rex Gabbert, Judge

The State brings this interlocutory appeal, challenging the trial court's grant of Kraig J. Walker's motion to suppress physical evidence relating to possession of a controlled substance with intent to distribute. The trial court found that the evidence should be suppressed under its analysis of the "search incident to arrest" warrant exception. In its sole point, the State argues that the trial court erred in granting Walker's motion to suppress because the search of Walker's vehicle was justified under the "automobile exception" to the warrant requirement.

REVERSED AND REMANDED

Division Three holds:

(1) Because the trial court failed to address whether the search was valid under the distinct and separate "automobile exception" to the warrant requirement, we cannot determine whether the State met its burden of persuasion to establish by credible evidence that this exception to the warrant requirement applies, making remand appropriate.

Opinion by Gary D. Witt, Judge

May 5, 2015

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